

08-28-01

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DAC (P)



DOCKET NO.: NIH-0127

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In Re Application of:

Mario H. Skiadopoulos et al.

Serial No.: 09/900,112

Group Art Unit: Not Yet Assigned

Filing Date: July 5, 2001

Examiner: Not Yet Assigned

**For: ATTENUATED HUMAN-BOVINE CHIMERIC PARAINFLUENZA VIRUS
(PIV) VACCINES**

Adjustment date: 12/12/2001 CBU111
10/01/2001 GTEFFERA 00000086 233050 09900112
01 FC:122 130.00 CR

"Express Mail" Label No. EL695381881US
Date of Deposit September 26, 2001

EL695381881US

Attention: Office of Petitions
Box DAC
Assistant Commissioner for Patents
Washington DC 20231

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEMS
CONSIDERED AS OMITTED BY THE P.T.O.
RESPONSIVE TO THE "NOTICE OF INCOMPLETE
NONPROVISIONAL APPLICATION"**

1. This is in response to the "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" mailed for this application on August 31, 2001.

A copy of the "NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION" is enclosed.

2. Applicant asserts that the drawings and abstract indicated as omitted were in fact deposited with the P.T.O. with the original application papers filed on July 5, 2001 (sent via Express Mail Label No. ET052994109US).

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OFFICE OF PETITIONS
DEPUTY A/C PATENTS

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- A. a courtesy, duplicate copy of the 30 sheets of drawings are enclosed herewith.
(please note that the priority provisional application 60/215,809 filed July 5, 2000 does contain a majority of the drawings filed in the above-identified application.)
- B. after contacting the U.S. Patent and Trademark Office, it was confirmed that the abstract is present in the scanned version of the application.

3. In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, applicant hereby:

- A. Petitions under 37 C.F.R. 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 37 C.F.R. 1.17(h); and
- C. Submits the attached evidence of the deposit items in issue.

4. Fee Payment

- A. This is a **nonprovisional** application:

The petition fee, 37 C.F.R. 1.17(h) is paid as follows:

A check in the amount of \$130.00 is attached to cover the surcharge.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Please charge the surcharge to my Deposit Account No. 23-3050 in the amount of \$130.00.

B. This is a provisional application:

The petition fee, 37 C.F.R. 1.17(q) is paid as follows:

A check in the amount of \$50.00 is attached to cover the surcharge.

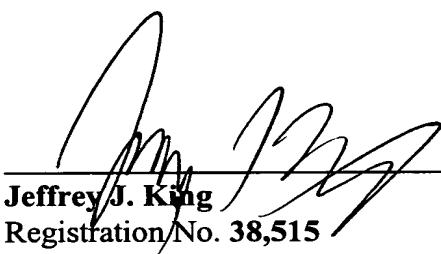
Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

Please charge the surcharge to my Deposit Account No. 23-3050 in the amount of \$50.00.

5. Request for Refund

It is respectfully requested that, upon grant of the petition under 37 C.F.R. 1.53(e), the petition fee be refunded by credit to Deposit Account Number 23-3050.

Date: September 26, 2001


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Plus EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION INDICATED AS OMITTED IN THE NOTICE OF OMITTED ITEMS

**EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION INDICATED AS
 OMITTED IN THE "NOTICE OF INCOMPLETE NONPROVISIONAL
 APPLICATION"**

In connection with the "Notice of Incomplete Nonprovisional Application" dated August 31, 2001, applicant submits the following evidence that the items indicated as omitted were in fact deposited with the P.T.O. on July 5, 2001, which is the original date on which the papers for this application were deposited:

1. a photocopy of the return post card showing thereon that the items indicated as omitted were in fact deposited;
2. a photocopy of the Utility Patent Application Transmittal (1 page)

(Both items 1 and 2 show the exact number of drawing pages (30) and abstract pages (1) submitted with the application filing)